

June 9, 2008

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Curtis, and Higgins attending. Board member Hoehn was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Waters; Chief Beloit; Comm. Maynard; Cecil Waters; Judy and Dave Whitten; Bob Bullard; Larry Williams; Jerry Walden; Geneva James; Tom Hogan and Dick Honebrink – Johnson Controls, Inc.; Owen Carver; Alfred Bass; Rick Bowman – R & S Construction; Jamie Grabert – The Western Star; and Sara Manifold – Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Askren moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Askren move the claims presented be allowed for payment. Seconded by Board member Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated Johnson Controls is present tonight and he will let them give the Board an update. Tom Hogan and Dick Honebrink approached and Mr. Hogan stated he has good news, Rick Demarco, the project manager, is present tonight; and for a further update, he will turn the podium over to Mr. Honebrink. Mr. Honebrink stated they have turned no dirt yet, but all permits have been secured and the contracts let. He added mobilization has started and the site is being cleared. He then stated there will be a kick off meeting tomorrow morning with the contractor, and they are not expecting any slippage on the critical construction dates. He added they should be done early next year and they are very excited to get started. He then asked if there were any questions ?

Chairman Curtis stated Supt. Gray and his crew along with Comm. Maynard and his crew have been extremely helpful in all of this. He added as far as trying to find the street department some space, he and Board member Askren and Mayor Tucker visited the anticipated site, and he is very impressed with the interdepartmental cooperation they have had so far. He added it is nice to see the community work together. He then stated they all want to see that the street department gets all the space that they deserve, since they are giving up so much of their own space for the water department expansion. He thanked Comm. Maynard for his cooperation and efforts.

Mr. Hogan added that words can not express how much JCI is enjoying their working relationship with the city; everyone pulling together is making for a great partnership. He thanked everyone for their cooperation.

Mayor Tucker asked if there were any questions ?

There were none.

Supt. Gray stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?
Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker asked if anyone in the Audience wished to address the Utility Board ?

Mr. Rick Bowman stood and stated he is with R & S Construction and they were at the last meeting concerning waiving of tap in fees on behalf of Brock and Kim Riecken, for a home they are refurbishing.

Board member Curtis stated that since the last meeting he has discovered that they have waived the tap fee in the past for situations such as this, so as far as he is concerned, the precedent has been set. He added he feels in this situation they need to waive the fee. He then moved the tap fee be waived for the 3 properties they are refurbishing, located in the Lincoln and Canal area. Seconded by Board member Fuelling.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with the Board voting as follows:

Askren – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker reported the motion carried unanimously.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

Attorney Higgins stated as they had a request pending, she did not want to bring this up, but since that has just been resolved this evening, she mentioned the city ordinance regarding taps on the sewer side. She stated the sewer taps are very detailed and suggested the Board take a look at the ordinance and see if they want the water and sewer to look alike, have the utilities treated the same. She suggested they visit the website to view the codification in relation to the tap schedules and she will then look forward to their input.

Board agreed to have Attorney Higgins move forward with making the utilities the same in tap fee procedures.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there were no further business, he entertains a motion to adjourn.

Board member Curtis moved the meeting be adjourned. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Curtis, and Higgins attending. Councilwoman Hoehn was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Waters; Chief Beloit; Comm. Maynard; Cecil Waters; Judy and Dave Whitten; Bob Bullard; Larry Williams; Jerry Walden; Geneva James; Tom Hogan and Dick Honebrink – Johnson Controls, Inc.; Owen Carver; Alfred Bass; Jamie Grabert – The Western Star; and Sara Manifold – Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Higgins moved the reading of the minutes be waived and they be approved as presented.

Seconded by Councilwoman Askren.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Askren stated she has no report.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairman Fuelling stated he has no report.

Chief Beloit stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Hoehn was not present.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report for May before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated the first item on the Legal portion of the Agenda is a possible first reading on an Ordinance to Amend the City of Mount Vernon Code of Ordinances, Title VII – Traffic Code, Chapter 75 – Parking Schedules – Schedule I – No Parking Zone. He added this had been tabled at the last meeting and concerned the area of Mann and W. 2nd Street and the Robinsons and the Strobels.

Councilman Curtis stated he went there for a site visit of the area and he and Comm. Maynard measured the street, which is 21' from edge to edge. He added there is gravel parking off of the paved surface and if Council decides to make this area No Parking, they should be prepared for many other requests, as this street is really no narrower than some others around town. He then stated he talked with a neighbor in the area about the traffic issues but he acted like there really was no issue at all. He stated he does not see the need for this ordinance.

He then moved ordinance pass on second reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – no; Fuelling – no; Hoehn – absent;

Curtis – no; Higgins – no.

Mayor Tucker stated the motion died, as well as the ordinance.

Mayor Tucker stated the next item is an alley vacation request from St. Matthews. He asked if there was anyone in the Audience to address this issue ?

There was no response.

Attorney Higgins stated the city has received this petition, they acknowledge that. She then stated a few years back, the city had implemented a check sheet of things that need to be done, followed, etc. for the process of vacating alleys and streets, there are also statutory requirements that need to be addressed. She added that the petitioner also needs to contact utility providers to check for gas lines, cable lines, etc. She stated she will get the check list to the petitioner and all items on the check list need to be answered before there can be a third reading on the ordinance. She then stated there could also be a question as to whether the Elks would be considered an adjoining landowner, and in that case, they would also need to be notified of the petition via certified mail, as well as Schultheis. She added the petitioner is responsible for all costs incurred in the vacation of this alley as well. She concluded by stating there will be a public hearing on this vacation at their next meeting as well as a first reading.

Councilman Curtis asked if they are asking to abandon all the way from 4th to 5th Streets? He then questioned if this vacation would affect Trinity Church ?

Attorney Higgins stated she does not have a copy of the petition, and it does not appear that the plat is marked exactly. She added all adjoining landowners need to be notified and that would include Trinity, yes. She added it may also include the Hovey House, so the county would also need to be notified. She concluded by stating the Council is acknowledging they have received the petition.

Mayor Tucker stated the next item is not listed on the Agenda but is a Resolution to borrow money from the sewer department.

Attorney Higgins stated at the last meeting, they gave the Clerk-Treasurer authorization to borrow \$800,000 from the bank in lieu of no tax money be received. She stated shortly after that when the state statute was looked over again, they discovered that they were asking for too much money to be able to borrow using the “easy” method. She explained the city will now have to issue tax anticipation warrants, which is a more formal, specific procedure. She added these warrants will be sold like bonds – a short term loan – it appears the city will not receive any tax money until at least the end of the year. She added the city has no money coming in and they do need immediate funds to meet payroll as well as some bills that are being held, which is the purpose of the loan from the sewer. She stated the ordinance before them would allow the purchase of those bonds, up to \$1.5M, which is to be paid back by 12/31/2009 and she has also contacted Umbaugh & Associates on the issuance of the bonds.

Councilman Curtis stated they really do not have an option about this, and then asked the total outlay to the city once it is all said and done ?

Attorney Higgins replied around \$5,000 or less on costs, but that does not include interest.

Councilman Fuelling agreed that the Council really has no other choice.

Councilwoman Askren moved Council pass the Resolution to loan the city \$200,000 from sewer; \$150,000 from Operating & Maintenance and \$50,000 from the Improvement/Depreciation Fund. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 08-10.

Mayor Tucker stated the next item to consider is the ordinance authorizing the issuance of tax anticipation warrants.

Councilman Curtis moved the Ordinance Authorizing the City of Mount Vernon, Indiana to Make Loans and Issue Notes for the Purpose of Refunding These Loans, up to \$1.5M, be approved, adding that all current

outstanding loans will be paid off first, and that this loan will be paid off at the earliest opportunity. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Askren moved the rule be suspended. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Askren moved the ordinance pass on second and third reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 08-11, passed at 7:41 p.m.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

Jerry Walden approached and stated he is representing the Kiwanis and they will be having a car show September 13 in the downtown, in conjunction with the Mt. Vernon River Days. He added they do have insurance, though he did not bring it with him this evening, he will see that the city receives their certificate. He added they will be using Main Street and branch down 3rd Street some in both directions, and there will be booths set up as well. Same as last year, and it went real well.

Attorney Higgins stated he needs to fill out a Use of City Facilities Form and then have it presented to the Board of Works. She suggested Clerk-Treasurer Wolfe put the request on the Agenda of that next meeting.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

Alfred Bass approached and stated he was at the last meeting and he is present tonight as a follow up concerning the noise level in the Lawrence Subdivision, west side. He wondered if there had been any affirmative action ?

Councilman Curtis stated he isn't sure what Mr. Bass means by affirmative action, but he has been in contact with Mr. Buchanan and he has agreed to schedule a public meeting July 15th at 7:00 p.m., if they can get a room at the library to hold it in. He stated Mr. Buchanan has talked with GE about possibly separating out the rail cars that go to Burkville, they seem to be the ones they are having issues with on switching. He added they are also keeping records of the switching, when it occurs, etc.

Mr. Bass asked where the meeting would be held ?

Councilman Curtis replied hopefully at the library in one of their meeting rooms.

Mr. Bass asked how they would be notified of when and where the meeting would be held ?

Councilman Curtis replied hopefully it will be noticed in the paper, and he will have an answer at the next Council meeting in two weeks.

Mr. Bass stated he appreciates the Council's consideration on this, though he realizes it does not involve the whole town, only one neighborhood. He stated it is imperative that the peace be restored to their neighborhood

and he appreciates anything the Council and Mayor Tucker can do. He also stated he would like to know if he can enter into the record the petition that he presented the last time, though there are still some signatures that he wants to get on it. Again, he stated, it is imperative that there be peace in this town, and added probably everyone that signed the petition will be at the meeting with the railroad. He then thanked the Council and took his seat.

Mayor Tucker asked that Councilman Curtis get with him on the date, time, and location of the meeting when he has a definite on that, and he will in turn, get in touch with Congressman Ellsworth's office, as well as Lugar and Bayh.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?
There was no response.

Mayor Tucker asked if there was any Old Business ?
There was none.

Mayor Tucker asked if there was any New Business ?
There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Fuelling stated he has no report.

3rd District Councilwoman Hoehn was not present.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker stated as they are aware, they have been working on a new comprehensive plan for the city, and Bernardin Lochmueller has been hired to help with the development of the plan. He stated the plan will encompass future growth and development of the city, and they are needing citizen input. He stated they circulated a survey in the Mount Vernon Democrat a few weeks back and he would like to encourage everyone to fill it out and turn it back in. He then stated Bill Goffinet will be here tomorrow evening at 6:00 p.m. to discuss HB1001 and how it will affect city's budget.

Mayor Tucker stated if there were no further business, he entertains a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned. Seconded by Councilman Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer

